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Article 7. Agriculture Districts (A)

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Sec. 8-7.1 Purpose.

(a) To protect the agriculture potential of lands within the County of Kauai to insure a resource base adequate to meet the needs and activities of the present and future.

(b) To assure a reasonable relationship between the availability of agriculture lands for various agriculture uses and the feasibility of those uses.

(c) To limit and control the dispersal of residential and urban use within agriculture lands. (Ord. No. 164, August 17, 1972; Sec. 8-7.1, R.C.O. 1976)

Sec. 8-7.2 Generally Permitted Uses And Structures.

The following uses and structures are permitted in agriculture districts:

- (1) Accessory structures and uses
- (2) Aquaculture
- (3) Diversified agriculture
- (4) Forestry

- (5) Grazing
- (6) Historic sites
- (7) Intensive agriculture
- (8) Livestock, poultry, and piggeries, except as provided in Sec. 8-7.3
- (9) Minor food processing related to agricultural products
- (10) Orchards and nurseries
- (11) Outdoor recreation
- (12) Pet keeping and raising, except as provided in Sec. 8-7.3
- (13) Public parks and monuments
- (14) Resource management
- (15) Single family detached dwellings
- (16) Specialized agriculture
- (17) Undeveloped campgrounds
- (18) Warehousing, storage and packing of plant products
- (19) Wildlife management

(Ord. No. 164, August 17, 1972; Sec. 8-7.2, R.C.
O. 1976)

Sec. 8-7.3 Uses And Structures That Require A Use Permit.

(a) The following uses and structures in agricultural districts shall require a use permit:

- (1) Animal hospitals

- (2) Cemeteries
- (3) Churches, temples and monasteries
- (4) Commercial recreation
- (5) Construction and worker temporary housing
- (6) Development campgrounds
- (7) Golf courses
- (8) Mineral extraction and quarries
- (9) Pet keeping and raising proposed within five hundred (500) feet of any Residential District
- (10) Poultry and piggeries when to be located within three thousand (3000) feet of any Use District
- (11) Private and public utility facilities
- (12) Schools and day care centers
- (13) Transportation terminals
- (14) Any other use or structure which the Planning Director finds to be similar in nature to those listed in this section and appropriate to the District. (Ord. No. 164, August 17, 1972; Sec. 8-7.3, R.C.O. 1976)

Sec. 8-7.4 Limitations On Subdivisions Of Parcels In Agriculture Districts.

(a) Purpose:

- (1) To limit, retard and control subdivision of agriculture land that will destroy agriculture stability and potential.
- (2) To avoid the dissipation of agriculture lands by excessive or premature parceling for other than agriculture uses.
- (3) To establish and maintain a proportionate mix of parcel sizes to

accommodate optimum sizes for existing or potential agricultural uses.

(4) To establish a relationship between the size of the parcel to be subdivided and the size of the smaller parcels created by the subdivision, in order to maintain large parcels for agricultural uses and activities best carried out on large parcels and to maintain and provide smaller parcels of various sizes for agricultural uses that can be carried out most efficiently on smaller parcels.

(b) Method of Calculating Allowable Subdivision of Agriculture Lands.

(1) Contiguous lots or parcels of record in common ownership existing prior to or on September 1, 1972, no larger than three hundred (300) acres may be subdivided only in accordance with the following criteria:

(A) parcels not more than ten (10) acres may be subdivided into parcels not less than one (1) acre in size.

(B) parcels larger than ten (10) acres, but not more than twenty (20) acres, may be subdivided into parcels not less than two (2) acres in size, except that not more than four (4) lots in the parcel may be one (1) acre in size.

(C) parcels larger than twenty (20) acres, but not more than thirty (30) acres, may be subdivided into parcels not less than three (3) acres in size, except that not more than four (4) lots in the parcel may be one (1) acre in size.

(D) parcels larger than thirty (30) acres, but not more than fifty (50) acres, may be subdivided into parcels not less than five (5) acres in size.

(E) parcels larger than fifty (50) acres, but not more than three hundred (300) acres may be subdivided into ten (10) or fewer parcels, none of which may be smaller than five (5) acres.

(2) Contiguous lots or parcels of record in common ownership existing prior to or on September 1, 1972, larger than three hundred (300) acres may be subdivided only in accordance with the following criteria:

(A) a maximum of seventy-five (75) acres may be

subdivided into not more than ten (10) parcels, none of which shall be smaller than five (5) acres.

(B) an additional twenty percent (20%) of the total parcel area or three hundred (300) acres, whichever is less, may be subdivided into parcels, none of which shall be smaller than twenty-five (25) acres.

(C) the balance of the parcel area, shall not be subdivided.

(c) Limitations on Resubdivision of any Parcel in an Agriculture District Subsequent to September 1, 1972. Except as provided herein, no parcel resulting from a subdivision approved after September 1, 1972, shall be resubdivided unless the parcel is transferred to the Urban or Rural Districts under the provisions of the State Land Use Law and is transferred to a use district other than Agriculture or Open, under the provisions of this Ordinance. The restriction in this subsection shall not apply to any lot resulting from:

(1) Subdivision requested by any governmental agency;

(2) Subdivision resulting from the construction of public improvements by governmental action;

(3) Subdivision requested for public utility purposes;

(4) Consolidation and resubdivision of properties where no additional lots or parcels are created provided that the resulting properties would not permit greater density.

However, any parcel of record thirty acres or less existing prior to August of 1972 and subsequently subdivided which has not maximized density as prescribed in Subsection 8-7.4(b)(1), may be further subdivided in accordance with said subsection.

(d) Automatic Review of the Provisions of This Section. The provisions of this Article and the boundaries of the Agriculture District shall be comprehensively reviewed by the Planning Commission in accordance with the requirements and procedures of Sec. 8-7.4(d) no later than two (2) years after the effective date of this Ordinance and every succeeding five (5) years thereafter. (Ord. No. 164, August 17, 1972; Ord. No. 186, July 17, 1973; Sec. 8-7.4, R.C.O. 1976; Ord. No. 559, November 27, 1989)

Sec. 8-7.5 Permitted Residential Densities.

Permitted residential densities shall be calculated as follows:

- (1) One (1) dwelling unit for each parcel one (1) acre or larger.
- (2) One (1) additional dwelling unit for each additional three (3) acres in the same parcel, provided that no more than five (5) dwelling units may be developed on any one (1) parcel.
- (3) A parcel or contiguous parcels in common ownership of record existing prior to or on September 1, 1972, which is smaller than one (1) acre, may develop one (1) dwelling unit. (Ord. No. 164, August 17, 1972; Sec. 8-7.5, R.C.O. 1976)

Sec. 8-7.6 Development Standards For Construction And Use.

Subject to the density, parcel and other requirements of Sec. 8-7.4 and Sec. 8-7.5, the development standards applicable in an Agriculture District shall be the same as those established in Secs. 8-3.5 and 8-3.7 of this Chapter, except that:

- (1) The minimum average lot width shall be one hundred and fifty (150) feet.
- (2) The average length of any lot shall not be greater than four (4) times its width.
- (3) The maximum height of any building, other than one intended primarily for residential use, shall be fifty (50) feet.
- (4) Public Access. The Planning Commission may require the dedication of adequate public access-ways not less than ten (10) feet in width to publicly-owned land or waters and may require the preservation of all historic and archaeologic sites, known or discovered on the parcel subject to development. (Ord. No. 164, August 17, 1972; Sec. 8-7.6, R. C.O. 1976)

Sec. 8-7.7 Permits Required.

No construction or other development for which standards are established in this Chapter shall be undertaken within any Agriculture District except in accordance with a valid zoning permit. The following zoning permits, in accordance with Article

19, shall be required for the following activities:

(1) Class I Permit. A Class I Permit shall be obtained for construction or development on a parcel where:

(A) the parcel is not located in a Constraint District or a Special Treatment District and is not large enough to qualify for more than one (1) dwelling unit under the density provisions of this Article; and

(B) the construction or development does not require a Use Permit or a Variance Permit.

(2) Class II Permit. A Class II Permit shall be obtained for construction or development on a parcel where:

(A) the parcel is not located in a Constraint District or a Special Treatment District and is qualified for more than one (1) dwelling unit; and

(B) the construction or development does not require a Use Permit or a Variance Permit.

(3) Class III Permit. A Class III Permit shall be obtained for construction or development on a parcel where:

(A) for construction or development of a parcel for which a Class I or Class II Permit would otherwise be obtainable except that the parcel is located in a Constraint District or a Special Treatment District.

(4) Class IV Permit. A Class IV Permit shall be obtained for construction or development on a parcel where:

(A) for construction or development for which a Class I, II, or III Permit would otherwise be obtainable except that a variance or a use permit is required.

(5) To obtain any permit, the applicant shall show compliance with the Standards established in this Article and shall submit a plot plan and other information as required by Sec. 8-3.8(d). (Ord. No. 164, August 17, 1972; Sec. 8-7.7, R.C.O. 1976)

Sec. 8-7.8 Application To Agricultural Development In Other Districts.

All agricultural construction, development or use permitted by, or in accordance with, this Chapter in any other Use District shall be carried out in accordance with the Standards established in this Article. (Ord. No. 164, August 17, 1972; Sec. 8-7.8, R.C.O. 1976)

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